

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.121 of 2019

1. Smt. Radha Bai Sahu, aged about 55 years, W/o late Ramgopal Sahu, R/o Village & Post Khopli, Police Station Utai, Tahsil & District Durg (C.G.)
2. Santosh Kumar Sahu, aged about 40 years, S/o late Ramgopal Sahu, R/o Village & Post Khopli, Police Station Utai, Tahsil & District Durg (C.G.)

(Defendants)
---- Petitioners

Versus

1. Samaru Ram Sahu, aged about 56 years, S/o late Sekhwa Ram Sahu, R/o Bajrang Chowk, Dundera, Police Station Utai, Tahsil & District Durg (C.G.) at present address Ward No.51, Borsi-Durg, Police Station Pulgaon, Tahsil & District Durg (C.G.)
2. Bhilai Steel Plant, through C.E.O., Bhilai Steel Plant, Office Ispat Bhawan, Bhilai, Tahsil & District Durg (C.G.)
3. State of Chhattisgarh, through the Collector, Durg, Office of Collectorate, District Durg (C.G.)

(Plaintiff)
(Defendants)
---- Respondents

For Petitioners:	Mr. D.N. Prajapati, Advocate.
For Respondent No.3 / State: -	Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

13/02/2019

1. By the impugned order, the defendants' application under Section 7 read with Section 8 of the Family Courts Act, 1984 has been rejected against which this writ petition has been preferred.
2. Learned counsel for the petitioners would submit that the impugned order is unsustainable and bad in law.
3. I have heard learned counsel for the petitioners and perused the order

impugned.

4. The trial Court has clearly held that it is a bare suit for declaration filed by respondent No.1 herein / plaintiff against the defendants claiming $\frac{1}{3}^{\text{rd}}$ of the amount which is yet to be received on account of retiral dues due to death of Ramgopal Sahu, husband of petitioner No.1 herein and father of petitioner No.2 herein. The plaintiff's suit is only a suit for recovery claiming such amount from the defendants which is not covered by Sections 7 and 8 of the Family Courts Act, 1984. Therefore, the trial Court is absolutely justified in rejecting the application. The writ petition has no merit and is accordingly dismissed. No order as to cost(s).
5. A copy of this order be sent to the Family Court by E-mail / fax.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma